

ORDER PASSED BELOW EXH.NO.28

1. By way of this application plaintiff has prayed to give permission to lead secondary evidence in respect of registered adoption deed dated 01.06.1954. It is stated by the plaintiff that aforesaid registered deed is in possession of the defendant and, therefore, plaintiff had moved application praying therein to give direction to defendant to produce the said deed before the Court. However, defendant replied that said deed is not in his possession. Certified copy of the adoption deed is filed on record. Summons was also issued to the Sub-Registrar office, Miraj, wherein said deed was registered and consequently certified copy of registered deed was produced on record by the concerned authority. Hence, this application to lead secondary evidence.

2. Defendant filed his say at Exh.29 and opposed to allow this application. According to defendant, notice required U/s. 66 is not given. So also there is no specific prayer to lead secondary evidence.

3. Heard both sides and gone through the record. It appears that defendant has knowledge about the said document and he knows that it is necessary for him to produce the said document. Already application was filed to produce the document by defendant. In such circumstances, giving notice to defendant as stated in Section 66 of Evidence Act appears to be not necessary. The plaintiff has given necessary foundational evidence to show existence of the said

document. In such circumstances, permission needs to be granted to the plaintiff to lead secondary evidence in respect of aforesaid deed. In result, I pass following order.

ORDER

1. Application is allowed.
2. Plaintiff is permitted to lead secondary evidence in respect of registered adoption deed bearing No.640 dated 01.06.1954.

Sd/-

(K.G. Sawant)

2nd Jt. Civil Judge Junior Division,
Jaysingpur.

Date : 12/07/2017.

I affirm that the contents of this P.D.F. file Order/Judgment are same, word to word, as per the original Order/Judgment.

Name of the Stenographer	A.S. Tiruke (L.G.)
Name of Court	2nd Jt. Civil Judge Jr. Dn. Jaysingpur. Dist. Kolhapur.
Date of dictation	12.07.2017
Order/Judgment signed by the P.O. on	12.07.2017
Order/Judgment uploaded on	13.07.2017